

EXHIBIT PP

Videotaped Deposition of
Emily Kim
March 16, 2023

Freeman

vs.

Deebs



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Emily Kim

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 LYNNE FREEMAN, an individual,
5 Plaintiff,
6
7
8 -against- Case No:
9 1:22-cv-02435-LLS
10
11
12
13
14 TRACY DEEBS-ELKENANEY, P/K/A
TRACY WOLFF, an individual,
EMILY SYLVAN KIM, an individual
PROSPECT AGENCY, LLC, a New Jersey
Limited liability company,
ENTANGLED PUBLISHERS, LLC, a
Delaware limited liability company
HOLTZBRINCK PUBLISHERS, LLC
D/B/A MACMILLAN, a New York
Limited liability company, and
UNIVERSAL CITY STUDIOS, LCC,
A Delaware limited liability company,
Defendants.
-----x

15
16 EXAMINATION BEFORE TRIAL of EMILY KIM, taken
17 by the Plaintiff, pursuant to Notice, held at 885 Third
18 Avenue, 20th Floor, New York, New York 10022, on March
19 16, 2023, at 9:00 a.m., before a Notary Public of the
20 State of New York.

21 *****
22
23

24 Job No. 10116380
25

Emily Kim

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25

Emily Kim

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Emily Kim

1 221. UNIFORM RULES FOR THE
2 CONDUCT OF DEPOSITIONS

3 221.1 Objections at Depositions

4 (a) Objections in general. No objections
5 shall be made at a deposition except those, pursuant to
6 subdivision (b), (c) or (d) of Rule 3115 of the Civil
7 Practice Law and Rules, would be waived if not
8 interposed, and except in compliance with subdivision
9 (e) of such rule. All objections made at a deposition
10 shall be noted by the officer before whom the deposition
11 is taken, and the answer shall be given and the
12 deposition shall proceed subject to the objections and
13 to the right of a person to apply for appropriate relief
14 pursuant to Article 31 of the C.P.L.R.15 (b) Speaking objections restricted. Every
16 objection raised during a deposition shall be stated
17 succinctly and framed so as not to suggest an answer to
18 the deponent and, at the request of the questioning
19 attorney, shall include a clear statement as to any
20 defect in form or other basis of error or irregularity.
21 Except to the extent permitted by C.P.L.R. Rule 3115 or
22 by this rule, during the course of the examination
23 persons in attendance shall not make statements or
24 comments that interfere with the questioning.

25 221.2 Refusal to answer when objection is made

1 A deponent shall answer all questions at a
2 deposition, except (I) to preserve a privilege or right
3 of confidentiality, (ii) to enforce a limitation set
4 forth in an order of the court, or (iii) when the
5 question is plainly improper and would, if answered,
6 cause significant prejudice to any person. An attorney
7 shall not direct a deponent not to answer except as
8 provided in C.P.L.R. Rule 3115 or this subdivision. Any
9 refusal to answer or direction not to answer shall be
10 accompanied by a succinct and clear statement of the
11 basis therefor. If the deponent does not answer a
12 question, the examining party shall have the right to
13 complete the remainder of the deposition.

Emily Kim

1 221. UNIFORM RULES FOR THE
2 CONDUCT OF DEPOSITIONS

3 221.3 Communication with the deponent

4 An attorney shall not interrupt the deposition
5 for the purpose of communicating with the deponent
6 unless all parties consent or the communication is made
7 for the purpose of determining whether the question
8 should not be answered on the grounds set forth in
9 section 221.2 of these rules and, in such event, the
10 reason for the communication shall be stated for the
11 record succinctly and clearly.

12 IT IS FURTHER STIPULATED AND AGREED that the
13 transcript may be signed before any Notary Public with
14 the same force and effect as if signed before a clerk or
15 a Judge of the court.

16 IT IS FURTHER STIPULATED AND AGREED that the
17 examination before trial may be utilized for all
18 purposes as provided by the C.P.L.R.

19 IT IS FURTHER STIPULATED AND AGREED that all
20 rights provided to all parties by the C.P.L.R. cannot be
21 deemed waived and the appropriate sections of the
22 C.P.L.R. shall be controlling with respect hereto.

23 IT IS FURTHER STIPULATED AND AGREED by and
24 between the attorneys for the respective parties hereto
25 that a copy of this examination shall be furnished,
 without charge, to the attorneys representing the
 witness testifying herein.

16 - oOo -

Emily Kim

1 EMILY KIM
2
3 THE VIDEOGRAPHER: Good morning. We
4 are now on the record, today's date is March
5 16, 2023, and the time is approximately 9:00
6 a.m. This is the video deposition of Emily
7 Kim, being taken in the matter of Lynne Freeman
8 versus Tracy Deeks- Elkenaney, P/K/A Tracy
9 Wolff. We are at 885 Third Ave., New York, New
10 York, 10022. My name is Jason Dubinski of
Aptus Court Reporting.

11 Will counsel please identify themselves
12 and state who you represent.

13 MR. PASSIN: Good morning. Mark Passin
14 of CS Reeder, PC. I represent the plaintiff,
15 Lynne Freeman, and with me today is Trent Baer.

16 MR. DONIGER: Steve Doniger, Doniger
17 Burroughs also representing the Plaintiff.

18 MR. KOONCE: Lance Koonce with Klaris
19 Law representing Emily Sylvan Kim and Prospect
20 Agency, and with me --

21 MR. PRESS: Zach Press from Klaris Law,
22 representing Prospect Agency, LLC and Emily
23 Sylvan Kim.

24 MS. COLE: And my name is CeCe Cole and
25 I'm from the firm Cowan, DeBaets, Abrahams and

Emily Kim

1 EMILY KIM
2 Sheppard, appearing on behalf of defendants
3 Entangled Publishing, LLC, Universal, MacMillan
4 and Tracy Deebs-Elkenaney.

5 THE VIDEOGRAPHER: The Court Reporter
6 today is Brooke Perry. Will you please swear
7 in the witness.

8 E M I L Y K I M, the witness herein, having been
9 first duly sworn by a Notary Public of the State of New
10 York, was examined and testified as follows:

11 EXAMINATION BY

12 MR. PASSIN:

13 Q. State your name for the record, please.

14 A. Emily Kim.

15 O. State your address for the record, please.

16 A. 551 Valley Road PMB 377 Upper Montclair, New
17 Jersey 07043.

18 MR. PASSIN: Before we start, I just
19 want to make one comment for the record,
20 Mr. Koonce's firm produced some documents last
21 night at 7:24 p.m., New York time. I have not
22 had a chance to look at those documents. It
23 may be and it may not be that I need to ask
24 some follow up questions based on those
25 documents, so I reserve my right to call the

Emily Kim

Freeman vs. Deebs

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EMILY KIM

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2 **for what years?**

3 A. I don't recall the exact years I used my
4 computers, but immediately preceding this computer, I
5 used a MacBook Air.

6 Q. **And where is that computer now?**

7 A. It broke and we recycled it.

8 Q. **So you used that computer until what year?**

9 A. Until I started using my current computer.

10 Q. **Approximately what year is that though?**

11 A. Maybe 2017.

12 Q. **Do you maintain backups for your computers?**

13 A. No.

14 Q. **Do you access your e-mail from the web or from**
15 **your computers?**

16 A. From the web.

17 Q. **Do you know what type of e-mail programs on**
18 **your MacBook?**

19 A. I access it via the web.

20 Q. **Um, okay. Understood. So I take it you have**
21 **probably Apple mail on it, but you don't use it?**

22 A. I think I deleted that app, but I'm not sure.

23 Q. **But you don't recall ever using the Apple mail?**

24 A. Never.

25 Q. **What kind of software did you use to edit the**

Emily Kim

Freeman vs. Deebs

1 EMILY KIM

2 books in the Crave book series?

3 MR. KOONCE: Object to the form of the
4 question.

5 A. I didn't edit the books in the Crave series.

6 Q. I've seen plenty of documents where you are on
7 Google Docs working on the book, I've also seen
8 documents where you talk about helping Tracy Wolff write
9 books on Google Docs. So, I'll rephrase it, and we'll
10 get into it in more detail in the future.

11 What kind of software did you use to do any
12 work whatsoever on the Crave book series?

13 MR. KOONCE: Object to the form. I
14 also object to testifying on the record by
15 counsel.

16 You can answer.

17 A. I've used Microsoft Word and Google Docs.

18 Q. What did you use Microsoft Word for?

19 A. To read portions of the Crave series.

20 Q. So when you said "read portions of the Crave
21 series", meaning that someone would write portions and
22 then you would read it?

23 A. Correct.

24 Q. And who would be the person that would write
25 them?

Emily Kim

EMILY KIM

2 A. Tracy Wolff.

3 Q. Would you both have access to the same
4 Microsoft Word or would she just e-mail it to you?

5 A. She would e-mail it to me.

6 Q. And what would you use Google Docs for?

7 A. We use Google Docs to create a series bible,
8 work on chapter titles, and on occasion, Tracy would
9 work in Google Docs and I would read her writing from
10 Google Docs.

11 Q. When you say, "on occasion Tracy would work on
12 Google Docs" -- first of all, when you refer to Tracy,
13 you're referring to Tracy Wolff, correct?

14 A. Yes.

15 O. So she sometimes wrote on Google Docs?

16 A. Yes.

17 Q. How often would she write on Google Docs?

18 A. She didn't start writing on Google Docs until
19 the ending of the book Court.

20 Q. And then how often did she write on Google
21 Docs?

22 A. Just for the last few chapters.

23 O. And what about the books after that?

24 A. She would, again, work on Microsoft Word, and
25 maybe for the last few chapters work on Google Docs.

Emily Kim

EMILY KIM

2 those chapters, she would have to give you permission to
3 enter Google Docs to read it; isn't that correct?

4 A. I think what you do is you share a link and
5 then the person can join the Google Docs.

6 Q. Do you have any online subscription to any
7 editing software?

8 A. No.

9 Q. So you mentioned that you only used Google Docs
10 to, sort of, babysit Tracy Wolff while she wrote.

11 A. I would say keep her company.

12 Q. Did you get involved in giving her suggestions?

13 A. Not really. Usually I would say, Are you
14 awake, kind of thing.

15 MR. PASSIN: Let's take a look at some
16 documents. I'd like to mark as Exhibit 84 a
17 document that's Bate stamp numbers Wolff
18 0097494 through 0097498.

19 (Whereupon, WOLFF_0097494-99 was marked
20 as Exhibit 84, for identification, as of this
21 date.)

22 Q. Can you review the document, please?

23 A. (Witness complies.)

24 MR. PASSIN: Lance, just so you know,
25 this one is consecutive Bates numbers, but

Emily Kim

1 **EMILY KIM**

2 A. That's correct.

3 Q. And I want to read to you the highlighted text
4 message towards the bottom. "I still can't believe you
5 sat in a Google Doc with her for 19 hours a day. Wow.
6 I've nominated you for sainthood."7 Do you know what Ms. Pelletier is referring to
8 there?9 A. Yes, at the end of Court, I sat with Tracy in
10 Google Doc to give her motivation and to help her get
11 through the hardest part of Court.

12 Q. And did you sit with her for 19 hours a day?

13 A. Probably.

14 Q. For how many days?

15 A. Maybe one or two.

16 Q. Did you make any comments during that period of
17 time?18 A. Can you please explain what you mean by
19 comments?20 Q. Did you make any comments to Court, suggested
21 changes?22 A. Again, I told you it just would be in the
23 course of keeping someone company and saying, great job,
24 I really like what you did here; that kind of comment.

25 Q. Well, she asked you at various times to help

Emily Kim

EMILY KIM

2 write. I mean did you help write or did you give her
3 comments on suggested changes?

4 MR. KOONCE: Object to form.

5 Mischaracterizes her testimony.

6 A. I did not help her write the book.

7 Q. Did you help her write this particular part of
8 Court?

9 A. Just to be clear, she wrote the book, and I
10 kept her company.

11 MR. PASSIN: I understand that, but
12 you're not answering the question. We're going
13 to be here all day.

14 MR. KOONCE: Objection.

15 MR. PASSIN: Can you read the question
16 back, please

17 (Whereupon, the record was read by the
18 reporter.)

19 A. I kept her company and I provided encouragement
20 and she wrote the book.

21 BY MR. PASSIN:

22 Q. Did you provide her any suggested edits?

23 A. I don't believe so.

24 Q. Did you provide her any comments?

25 A. I think I probably offered a comment or two.

Emily Kim

EMILY KIM

1 Like I like what you're doing here, kind of comment.

2 Q. **Excuse me.**

3 A. Like an encouraging comment, that kind of

4 comment.

5 MR. PASSIN: Next I'd like to mark

6 another text message. Let's mark this as 86.

7 (Whereupon, KIM00352321 and 00352413

8 was marked as Exhibit 86, for identification,

9 as of this date.)

10 Q. **Please take a look at this Exhibit.**

11 A. Okay.

12 Q. **Is this a text exchange between you and Stacy**

13 **Abrams?**

14 A. Correct.

15 Q. **And did you have this exchange with Stacy**

16 **Abrams on October 24, 2021?**

17 A. Again, I can see in the -- actually I don't

18 really see that.

19 Q. **Do you see above each of the text messages?**

20 A. Okay, yes.

21 Q. **And do you have any reason to dispute that?**

22 A. No.

23 Q. **I'd like to read to you the top text message**

24 **from you to Stacy Abrams. "I'll give you access to the**

Emily Kim

1 EMILY KIM

2 Q. And this was Court?

3 A. Court.

4 Q. Who had access to the Google Docs in connection
5 with the books in the Crave book series?

6 MR. KOONCE: Objection.

7 A. Can you be more specific?

8 Q. Well, with respect to your Google Docs account,
9 who had access to that account?

10 A. My particular Google Docs?

11 Q. Yes.

12 A. Me and Ellen.

13 Q. You and who?

14 A. My assistant Ellen.

15 Q. And then you could either send a link to
16 someone or you could invite them onto Google Docs?

17 A. Correct.

18 Q. And on occasion you would invite Tracy Wolff
19 onto Google Docs, correct?

20 A. Correct.

21 Q. And on other occasions, would you invite other
22 people?

23 A. Correct.

24 Q. And who would you invite in connection with the
25 Crave book series?

Emily Kim

EMILY KIM

2 A. It looks like I invited Stacy Abrams and I know
3 in connection with the Crave bible other people were
4 invited. I can't tell who they are off the top of my
5 head.

6 Q. Well what about the books? Did you sometimes
7 invite Ms. Pelletier on your Google Docs in connection
8 with the books in the Crave book series?

9 A. To the best of my recollection, Liz Pelletier
10 never worked in Google Docs.

11 Q. Did you use the track change feature in Google
12 Docs?

13 A. No.

14 Q. Was there any sort of access log in connection
15 with Google Docs?

16 A. I'm not sure.

17 Q. There may have been?

18 A. I'm not proficient in computers enough to know
19 exactly what an access log is.

20 Q. If you had such a log, would you turn it over
21 to your e-discovery people?

22 A. I turned everything, I gave access to my
23 accounts to my e-discovery people.

24 Q. Can you still access your Google Docs in your
25 computer?

Emily Kim

Freeman vs. Deebs

EMILY KIM

1 A. Correct.

2 Q. **And what were your duties as her assistant?**

3 A. I reviewed contracts. I communicated with

4 clients. I read manuscripts. I answered the phone. I

5 talked to Robin about issues that came up in her daily

6 work. I helped order lunch for the agency.

7

8 Q. **While you were there, did you discover Twilight**

9 **and the Slash Fics?**

10 A. No, I did not.

11 Q. **Did you ever tell Lynne Freeman that?**

12 A. No.

13 Q. **And then in 2005, you started Prospect Agency?**

14 A. Correct.

15 Q. **What type of entity is Prospect Agency?**

16 A. It's an LLC.

17 Q. **And who are the members?**

18 A. I am the member.

19 Q. **You are 100 percent the one -- the only member**

20 **and own 100 percent membership?**

21 A. I'm not 100 percent sure about that.

22 Q. **Who else would own a membership interest in it?**

23 A. I believe that my husband may own a membership,

24 but I'm not sure.

25 Q. **Do you have any idea what percentage he owns?**

Emily Kim

1

EMILY KIM

2 A. No. I think I'm the sole member, but I just
3 want to be clear that I'm not sure.

4 Q. **What does Prospect Agency do?**

5 A. We are a literary agency.

6 Q. **What do you personally do at Prospect Agency?**

7 A. I represent clients and I manage the agency.

8 Q. **What do you typically in connection with a
9 client's manuscript from submission to Prospect Agency
10 to publication of the final book?**

11 MR. KOONCE: Object to the form.

12 A. There's no typical process for any given
13 client.

14 Q. **Well, explain to me the various different
15 scenarios that may occur.**

16 MR. KOONCE: Object to the form.

17 A. Sometimes a client comes to me with the
18 contract and I help them review the contract and manage
19 the relationship with their editor. Sometimes a client
20 will come to me with a project and I will help edit it
21 and then try to sell it. Sometimes a client will come
22 to me with a project, but will put that project aside
23 and work on another project. Those are three common
24 scenarios.

25 Q. **And what scenario would you put Tracy Wolff in?**

Freeman vs. Deebs

Emily Kim

EMILY KIM

2 Q. What were the circumstances in which you met
3 Lynne Freeman?

4 A. I do not recall.

5 Q. You have no recollection?

6 A. No.

7 O. Have you ever met Lynne Freeman face to face?

8 A. Yes, at the Romance Writers Convention.

9 O. We'll discuss that a little later.

10 Is that the only time you met her face to face?

11 A. I believe so.

12 MR. PASSIN: Next I'd like to mark as
13 next in order as Exhibit 87 an agreement for
14 artists.

15 (Whereupon, KIM00352651-54 was marked
16 as Exhibit 87, for identification, as of this
17 date.)

18 Q. Are you familiar with this document?

19 A. Yes.

20 Q. Can you please turn to page 4 of the document,
21 which is Date stamped Number Kim 00352654.

22 Is that your signature that appears above your
23 name?

24 A. Yes. Below my name, I should say,

25 O. Below your name. I apologize. And is it your

Emily Kim

5 A. Correct.

6 MR. PASSIN: You can put this Exhibit
7 down.

8 Next I'm going to mark as Exhibit 88 a
9 document which is Bates stamped Number Kim
10 00075469 through 00075471.

11 (Whereupon, KIM00075469-71 was marked
12 as Exhibit 88, for identification, as of this
13 date.)

14 Q. This is an e-mail between Lynne Freeman and you
15 between 2015 and 2021. Please take a look at the
16 Exhibit. Tell me when you're done, please.

17 A. Okay.

18 Q. Please take a look at the second page, the
19 e-mail dated April 1, 2021, at 8:00 p.m. from Lynne
20 Freeman to you.

21 Do you see that e-mail?

22 A. I do.

23 Q. Let me read it out loud.

24 "It's been so long since we've been in touch.
25 I hope you're well during these crazy times and

Emily Kim

1 **EMILY KIM**2 **late 2010?**

3 A. Could you repeat the question?

4 MR. PASSIN: Could you read it back,
5 please.6 (Whereupon, the record was read by the
7 reporter.)

8 THE WITNESS: Yes.

9 Q. **And what was the name of the manuscript?**

10 A. Blue Moon Rising.

11 Q. **Please be advised that I will refer throughout
12 this deposition to the manuscript as either Blue Moon
13 Rising or Masqued; is that understood?**

14 A. Understood.

15 Q. **Isn't it correct that Ms. Freeman actually sent
16 you or gave to you various versions of Blue Moon Rising
17 between late 2010 and March 2015?**

18 A. Correct.

19 Q. **Approximately how many different versions did
20 she send or give you during that time period?**

21 A. I couldn't say.

22 Q. **Well, was it more than 10?**

23 A. I would hesitate to guess on the record.

24 Q. **You can't make any sort of estimate at all?**

25 A. I would say about 10 to 15 perhaps.

Emily Kim

EMILY KIM

2 A. I cannot say with certainty, but I don't think
3 so.

4 Q. Is it correct that Stacy Abrams was one of the
5 editors of the Crave book series?

6 A. Tracy Abrams was a copy editor of the Crave
7 series.

8 Q. Is fair to say that Stacy Abrams made
9 contributions -- strike that.

10 Did you attend the Romance Writers of America
11 conference in Anaheim, California, in July of 2012?

12 MR. KOONCE: Objection. Asked and
13 answered.

14 A. Yes.

15 Q. Do you remember Lynne Freeman also attending
16 the conference?

17 A. Yes.

18 Q. Do you remember introducing Tracy Wolff to
19 Lynne Freeman outside the hotel where were you staying
20 when you attended the conference?

21 A. No.

22 Q. Do you remember introducing Tracy Wolff to
23 Lynne Freeman at all?

24 A. NO.

25 Q. What hotel did you stay at during the

Emily Kim

1 EMILY KIM

2 very complex process.

3 **Q. I would like your answer no matter how broad.**4 A. Crave, I believe, Tracy shared some ideas with
5 Liz that she thought would be good for a book that would
6 later become known as Crave, and she and Liz worked
7 together, picked the idea they liked the best, then
8 Tracy wrote the book, and then Liz edited it. And then
9 she and Tracy worked together on the final edit.10 That's the broad overview of the Crave
11 series -- of the Crave book.12 MR. PASSIN: Can you read that answer
13 back, please?14 (Whereupon, the record was read by the
15 reporter.)16 **Q. When you say "Liz edited it," what did that
17 consist of?**18 A. I wasn't part of that process at all. Like, I
19 was -- like, I became more involved with later books.
20 So I can't say what she and Tracy did for the Crave
21 series. I had no part of it.22 **Q. Well, typically, what does it mean when a
23 publisher edits a book?**

24 MR. KOONCE: Object to the form.

25 **Q. A content editor edits.**

Emily Kim

EMILY KIM

2 A. It's really different for every content editor.

3 Q. And then you said Tracy and Liz wrote it after
4 the editing. What does that mean?

5 A. I think that they have -- the last few days of
6 the book, they worked closely together to make, you
7 know, last minute changes.

8 Q. Were they major changes or minor changes?

9 A. Again, I wasn't part of the that process, so I
10 don't know.

11 Q. Please describe for me the creation and the
12 writing of *Crush*?

13 MR. KOONCE: Object to form.

14 A. Crush was written more quickly than Crave, and
15 I believe Tracy only had a few months to write it. And
16 again, Liz provided -- I wasn't really part of this
17 process, but Liz and Tracy worked together on some sort
18 of synopsis, and then Tracy wrote the book and Liz
19 edited it as she was writing, I believe.

20 MR. PASSIN: Can you read that answer
21 back, please?

22 (Whereupon, the record was read by the
23 reporter.)

24 Q. When you say edit it as she was writing, edit
25 it as who was writing it?

Emily Kim

1 **EMILY KIM**

2 A. Tracy Wolff.

3 Q. And then can you please describe for me the
4 creation and writing of Covet?5 A. I believe Covet was very similar to the
6 creation of Crush.

7 Q. Were there any differences you're aware of?

8 A. I think that the outline was created even as
9 the book itself was being created, whereas in Crush, I
10 think the outline was created from the outset. But
11 again, I wasn't that involved in the actual creation.12 Q. When you say outline, are you referring to the
13 synopsis?

14 A. A synopsis.

15 Q. Please describe for me the creation writing of
16 Court?17 A. Court was written in -- the outline or synopsis
18 was written in more of an ongoing process as the book
19 was being written, maybe even than the other two, and
20 near the end, Tracy was -- this was the book where Tracy
21 was very tired and I kept her company on a Google Doc.22 Q. So on Court was the synopsis not finished until
23 after the book was done?24 A. I think it was created alongside the creation
25 of the book.

Emily Kim

Freeman vs. Deebs

EMILY KIM

1
2 Q. Can you read that e-mail, please?
3 A. Okay, I've read it.
4 Q. Is it correct that you were writing to see if
5 Entangled is interested in publishing *Masqued*?
6 A. Correct.
7 Q. And why did you write to Stacy Abrams instead
8 of -- initially you had written to Liz Pelletier,
9 correct?
-0 A. Yes.
11 Q. And why did you write her instead of Stacy
12 Abrams?
13 A. I think I must have thought she would be the
14 best match for the book.
15 Q. At that time who did you have a better
16 relationship with, Stacy Abrams or Liz Pelletier?
17 A. I do not recall.
18 Q. You can't recall?
19 A. No.
20 Q. Look at the e-mail at the top of first page,
21 and let me read it out loud. "Liz asked me to respond
22 to you about the submission because she's currently
23 closed to acquisitions. It definitely sounds like it
24 would be up my alley, if you wouldn't mind sending it
25 along." Do you see that?

Emily Kim

Freeman vs. Deebs

15 A. Yes.

16 Q. Is it fair to say that on March 25, 2014, you
17 and Lynne Freeman parted ways?

18 A. Yes.

19 Q. Do you see that Ms. Freeman states that she
20 does not believe Entangled will want Masqued as it is?

21 A. Yes.

22 Q. Now, she also says that -- she says, "I know
23 the fantasy element is not yours."

24 Was that true at the time?

25 MR. KOONCE: Object to the form.

Emily Kim

EMILY KIM

2 how many times I've read something over a decade ago.

3 Q. Was any of the material or ideas from Masqued
4 use in any of the Crave books?

5 A. NO.

6 Q. Was any of the material or ideas from *Masqued*
7 ever used in any drafts in any of the *Crave* books?

8 MR. KOONCE: Object to form of the
9 question.

10 A. No.

11 Q. There was some testimony the other day about
12 Tracy Wolff giving five ideas to Stacy Abrams and Liz
13 Pelletier for them to review for her possibly writing
14 what eventually became the Crave series. You're
15 familiar with that?

16 MR. KOONCE: Object to form. You're
17 asking if she is familiar with the testimony
18 from two days ago?

19 MR. PASSIN: No.

20 Q. Are you familiar with that happening?

21 A. Yes.

22 Q. Did you review the list of five ideas before
23 she submitted it to Stacy Abrams?

24 A. I don't believe so, no.

25 O. When's the first time you learned that

Emily Kim

1 EMILY KIM

2 book of Crave.

3 Q. **Excuse me?**

4 A. In the book Crave I had no --

5 Q. **I'm asking about the Crave book series?**

6 A. Can you be more specific?

7 Q. **Any of the books?**8 MR. KOONCE: Objection. Are we talking
9 about the four that are at issue in this case
10 or are we including --11 Q. **Any of the books? Any of the books?**12 A. I think I helped pick the name Queen Cleo, but
13 I can't think of any others off the top of my head.14 Q. **And how did that come about?**15 A. I think Tracy was talking to me on the phone
16 one day and I mentioned that I babysat a girl named Cleo
17 and I like it. That's the one I can remember.18 Q. **Did you ever give a copy of any of the contents
19 of Masqued to Liz Pelletier?**

20 A. No.

21 Q. **Well, you did in that e-mail you sent her,
22 didn't you?**23 A. I didn't give her a copy of Masqued. I sent
24 her a submission letter.25 Q. **I asked about a copy or any of the contents?**

Emily Kim

EMILY KIM

2 A. I sent her a submission letter for the book
3 *Masqued.*

4 Q. Other than that, though, you did not?

5 A. That is correct.

6 Q. Did you ever give a copy or any of the contents
7 of *Masqued* to Tracy Wolff?

8 A. No.

9 Q. Did you ever give a copy or any of the contents
10 of Masqued to Stacy Abrams or anyone else at Entangled
11 other than Liz Pelletier to the extent you already
12 testified?

13 A. I sent Stacy Abrams the manuscript upon her
14 request, and that is all of the communications we had
15 about that book, aside from the withdrawal, which I
16 don't have a record of but I think happened.

17 Q. Did you ever discuss Masqued with Liz
18 Pelletier?

19 A. No.

20 Q. Did you ever discuss *Masqued* with Tracy Wolff?

21 A. NO.

22 Q. Did you ever discussed Masqued with Stacy
23 Abrams or anyone at Entangled?

24 A. NO.

25 O. Did you ever orally or in writing provided any

Emily Kim

EMILY KIM

1
2 language from Masqued to Tracy Wolff?
3 A. No.
4 Q. Have you ever orally or in writing provided any
5 language from Masqued to Liz Pelletier?
6 A. No.
7 Q. Have you ever orally or in writing provided any
8 language from Masqued to Stacy Abrams or anyone else at
9 Entangled?
0 A. Aside from my submission to Stacy Abrams of
1 Masqued, no.
2 Q. Did you ever discuss Lynne Freeman with Liz
3 Pelletier?
4 A. No.
5 Q. Did you ever discuss Lynne Freeman with Tracy
6 Wolff?
7 A. No.
8 Q. Did you ever discuss Lynne Freeman with Stacy
9 Abrams or anyone else at Entangled?
0 A. Aside from my submission to Stacy Abrams, no.
1 Q. Who in connection with the Crave series was the
2 expert on Alaska?
3 MR. KOONCE: Object to form.
4 A. No one was the expert on Alaska.
5 Q. Well who provided the majority of the

Emily Kim

1 EMILY KIM
2 few scenes later, like maybe after they've had a break,
3 now they're going to start fighting again. Now we're
4 going to take a scene from the earlier fight scene and
5 put it in a later fight scene.

6 Q. But you moved one section into another fight
7 scene?

8 MR. KOONCE: Object to form.

9 A. I don't remember. And I didn't move it. It
10 was Tracy Wolff.

11 Q. You suggested it?

12 A. I didn't suggest it.

13 Q. Tracy moved it and you agreed to it?

14 A. I didn't agree to it.

15 Q. What did you do?

16 A. I checked to make sure the transitions flowed
17 smoothly through the scenes.

18 Q. Who chose Alaska as the setting for the Crave
19 book series?

20 A. Tracy chose Alaska.

21 Q. Are you aware that Tracy Wolff stated in an
22 interview with Hank Garner that it was a suggestion from
23 her book agent?

24 A. I often suggest -- I often talk about the
25 settings with authors, but ultimately, their decision

Emily Kim

1 **EMILY KIM**

2 A. I don't recall.

3 Q. **What about Crush? What were your contributions**
4 **you made to your book Crush?**5 A. With Crush, Tracy was in a time crunch, so I
6 did more cheerleading and supporting her in terms of
7 encouraging her to write a lot of pages every day, and
8 just telling her she was doing a great job, and just
9 being more of a cheerleader than I had for Crave.10 Q. **And what about Covet?**11 A. I played a very similar role in Crush and Covet
12 in terms of a cheerleader and encouraging Tracy to write
13 quickly and being a support system for her.14 Q. **What about Court?**15 A. Again, Court was even -- you know, Tracy was
16 tired. She had written three books very quickly. So I
17 was the same support system I'd been in the past two
18 books, but at the very end, I kept her company as she
19 finished the last few chapters on the Google Doc.20 Q. **And is it your testimony as you sit here today,**
21 **that you did not take any part in the writing of any of**
22 **those books?**

23 A. That is correct.

24 Q. **Well, didn't you also write some of the chapter**
25 **titles for some of the books?**

Emily Kim

1

EMILY KIM

2

MR. KOONCE: Object to the form.

3

A. I created a document with chapter titles to make it easier when we got to the very, very end, crunch time. But my ideas were meant to be jumping-off places not the titles themselves.

7

Q. What do you mean by "jumping off places"?

8

A. Like, I would suggest what we would call a bad title, and then they would say, "Oh, well, I don't like that. And that helps me think of a title that I do like."

12

Q. So you purposely chose bad titles?

13

A. No. I always try do give a great title. I just know that I'm not as talented of a writer as Tracy.

15

Q. Did you also write the bible for the Crave series?

17

MR. KOONCE: Object to the form.

18

A. No, I didn't write the bible. I got the idea to create the bible, and I made a stab at getting it started, but it a lot of other people jumped in to create the bible.

22

Q. Well, would it surprise you to know that a lot of people testified that you wrote the bible?

24

MR. KOONCE: Object to the form. Do you want to put in testimony, Mark?

Emily Kim

EMILY KIM

2 A. Again, I told you it was my idea to create the
3 bible, and I think I made it as like a Christmas gift
4 for Liz and Tracy so that they can have -- you know,
5 they had a lot of trouble with the world building and
6 continuity. So it was to keep track of all the
7 characters in the Crave series. But once I sort of put
8 some of the initial things down on the document, it went
9 out of my hands and people like Stacy worked on it, an
10 intern worked on it, and my assistant Ellen worked on
11 it, and a lot of people worked on the bible.

12 Q. Well, how much of it did you draft before other
13 people took over?

14 A. I don't remember.

15 Q. 50 percent?

16 A. Honestly, I don't remember. I think, you know,
17 I just went through the book and listed the character
18 and some of their eye colors and things like that, just
19 to sort of give them a sense of what the bible could be,
20 and then a lot of other people jumped in to make it what
21 it is today.

22 Q. After which book was written in the series did
23 you start writing the bible?

24 A. I think it was either -- I think it was Covet
25 or maybe after Crush, but before Covet, or it could have

Emily Kim

1 EMILY KIM
2 been after Covet but before Court. I don't remember.

3 Q. Did you -- were you involved in writing any
4 portions of any of the synopses?

5 A. No.

6 Q. Were you involved in editing any of the books?

7 A. No.

8 Q. Please describe to me the contributions that
9 Stacy Abrams made to each of the books, Crave, Crush,
10 Covet and Court.

11 MR. KOONCE: Object to the form.

12 A. Stacy Abrams primarily acted as a copy editor.
13 But I know that she also had a back-end dealings with
14 the printers and the paper distributor, things like
15 that.

16 Q. You're going to have to speak up. It's hard
17 for me to hear.

18 THE REPORTER: Can you repeat the whole
19 thing.

20 A. Sure. I said Stacy Abrams acted as a copy
21 editor primarily in the Crave series, and she also did
22 some administrative work, like working with the printers
23 and paper suppliers, et cetera.

24 Q. And that's all she did?

25 A. She also acted as a support system for Tracy.

Emily Kim

EMILY KIM

2 And I think for Court, she helped me fill in some of the
3 chapter titles, and she was involved in filling out the
4 series bible as well.

5 Q. Please describe for me the contributions that
6 Liz Pelletier made for each of the books, *Crave*, *Crush*,
7 *Covet* and *Court*?

8 MR. KOONCE: Object to the form.

9 Q. Take them one at a time, please.

10 A. Liz edited the Crave series. Liz helped craft
11 the plot line and also edited Crush and Covet and Court.

12 Q. Is that it?

13 A. Liz and Tracy worked very collaboratively on
14 those books, and she was a very involved editor.

15 Q. What does that mean, "very involved editor"?

16 A. The books, when they were written, Liz -- Tracy
17 would write them and Liz would go in and edit them, but
18 they were written in such a time crunch that Liz
19 wouldn't often show the book to Tracy after she had
20 edited it. So she took, you know, a lot of -- most of
21 the time, when a book is edited by another, the author
22 reviews the edits before it goes to print, but that
23 didn't happen in this case.

24 Q. So you're telling me that Liz Pelletier made
25 edits to the books without getting Tracy's approval?

Emily Kim

1 **EMILY KIM**

2 MR. KOONCE: Object to the form.

3 A. I'm telling you that Liz edited the book, and
4 then Stacy copy edited the book, and it could go to
5 print. So it wasn't a traditional publishing process.6 Q. **Now, which books are we talking about that she
7 did that?**

8 A. Crush, Covet and Court.

9 Q. **Describe for me the contributions that Tracy
10 Wolff made to each of the books, Crave, crush, Covet and
11 Court?**

12 MR. KOONCE: Object to the form.

13 A. Tracy wrote each of those books.

14 Q. **Excuse me?**

15 A. Tracy was the author for each of those books.

16 Q. **By the way, did you help Tracy Wolff write The
17 Guide to Katmere?**

18 A. The guide?

19 Q. **The Guide to Katmere.**20 A. I helped her come up with some ideas, and I
21 helped her come up with some, like, quizzes and things
22 like that, like character trait things, just tried to be
23 helpful in terms of helping her think of some ideas
24 and -- so guess I would say I tried to be as helpful as
25 I could in that circumstance.

Emily Kim

EMILY KIM

2 say, "I convinced Tracy to let me help her write the
3 guide." Is that a true statement?

4 A. Yes.

5 Q. And did you do anything -- explain to me
6 everything you did to help write the guide?

7 A. I believe I helped create some quizzes about
8 the characters, and I think, I don't recall, but I think
9 I helped make some like, either, dating profiles or some
10 sort of funny element to bring to the book, but I don't
11 know if they were actually used in the actual book.

12 Q. Now, did you help similarly with any of the
13 books in the Crave book series?

14 A. No.

15 Q. So I'd like you to tell me who wrote the
16 chapter titles for each book in the Crave book series,
17 one at a time.

18 MR. KOONCE: Object to the form.

19 A. For the chapter titles for Crave, I didn't have
20 any involvement in that, so I can't tell you who wrote
21 the chapter titles for that one. For Crush, I believe
22 it was Tracy, her partner, her children. I'm not sure if
23 I helped out with that book or not. And for Covet, I
24 think that's when I started to make a Google Doc with
25 chapter titles, so one or two may be mine. And then,

Emily Kim

EMILY KIM

2 you have -- most are Tracy's. Some might be her
3 partner's, her children, Liz, Stacy, everybody weighed
4 in on ideas, even my daughter Eden.

5 Q. What about Court?

6 A. Same.

7 Q. Same as Covet?

8 | A. Yes.

9 Q. Is Crave the most commercially successful book
10 of any client you've ever had?

11 A. I'm not sure how to answer that question.

12 Like, can you quantify commercially successful?

13 Q. Has it made more money than any book any of
14 your clients have ever had?

15 A. I'm not sure.

16 Q. Is it close?

17 A. It's definitely one of my best-selling titles,
18 but I don't want to say what is my best-selling title.
19 I'd have to look at my numbers.

20 Q. What other books might have exceeded it as
21 financially successful?

22 MR. KOONCE: Object to form.

23 A. I have an author named Kristen Ashley who
24 internationally is very successful and many of her books
25 might have been as successful as the Crave series.

Emily Kim

1 EMILY KIM

2 MR. PASSIN: Well, they're speaking
3 objections.

4 BY MR. PASSIN:

5 Q. Then on the second page, which is from Crave,
6 do you know who wrote the words, "things that go bump in
7 the night"?8 A. I don't know who wrote that phrase, but Tracy
9 is the author of Crave and Liz is the editor of Crave.10 Q. So you're saying it was one of those two
11 people?12 A. I'm say saying that Tracy is the author of
13 Crave and Liz it is editor of Crave, and I didn't have
14 anything to do with the writing of the word "things that
15 go bump in the night," but I can't speculate. I don't
16 know what you're asking.

17 Q. I'm asking you who wrote those words?

18 A. I don't know, but Tracy is the author of this
19 book.

20 Q. Meaning that she wrote those words?

21 A. Meaning, it is very likely that she wrote those
22 words. I just want to be clear that I don't -- you
23 know, I don't -- I wasn't present for Tracy writing this
24 book, but it is my understanding that she wrote every
25 word in the book. She's the author of the book.

Emily Kim

EMILY KIM

A. My husband drives.

Q. How long is that drive?

A. It's three hours and a few minutes.

Q. From your home in New Jersey?

A. Correct.

Q. Mr. Passin asked you some questions about the Crave bible. Can you just describe what the Crave bible is?

10 A. The Crave bible was created so that when people
11 have questions in future books, like copy editors or
12 editors or even Tracy herself about what color a
13 character's eyes are or what -- where -- trying to
14 think -- what they were wearing on a specific occasion
15 that seemed notable, they can refer to the bible and get
16 that answer quickly. So it's a document that was
17 created after several books in the creative series were
18 written to -- a bible is the term that we're using in
19 the publishing industry to create -- to sort of archive
20 a world that's created in a fantasy series or a
21 long-running series.

22 Q. Is the phrase thing that is go bump in the
23 night a common phrase in your experience?

24 A. It is a very common phrase.

25 Q. Is the quote et tu Brute a commonly used